

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. **CV 85-4544-DMG (AGRx)**

Date August 6, 2019

Title *Jenny L. Flores, et al. v. William P. Barr, et al.*

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Present: The Honorable DOLLY M. GEE, UNITED STATES DISTRICT JUDGE

KANE TIEN
Deputy Clerk

NOT REPORTED
Court Reporter

Attorneys Present for Plaintiff(s)
None Present

Attorneys Present for Defendant(s)
None Present

Proceedings: IN CHAMBERS - ORDER RE DEFENDANTS' MOTION TO EXCLUDE CERTAIN EVIDENCE AND REQUEST FOR AN EVIDENTIARY HEARING BEFORE THE MONITOR [612]

On June 28, 2019, Plaintiffs filed a Motion to Enforce the *Flores* Agreement. [Doc. # 578.] On August 2, 2019, Defendants filed their Opposition to the Motion to Enforce. [Doc. # 609.] Plaintiffs' Reply is due on August 16, 2019 [Doc. # 602], and the matter has been referred to the Monitor for a Report and Recommendation pursuant to Paragraph A.2 of the Appointment Order. [Doc. # 553.] Upon referring the Motion to Enforce to the Monitor, the Court authorized the Monitor to "conduct any proceedings she deems appropriate, including requiring the parties to submit supplemental briefing (to be filed on the docket) and holding a hearing on the . . . Motion to Enforce[.]" [Doc. # 553 at 3.]

On August 2, 2019, Defendants filed a Motion to Exclude Certain Evidence and a Request for an Evidentiary Hearing Before the Monitor, which is scheduled for a hearing on August 30, 2019 at 8:30 a.m. [Doc. # 612.] As the Monitor is charged with the responsibility to prepare a Report and Recommendation on the underlying Motion to Enforce, the Monitor is best situated to recommend the appropriate disposition of Defendants' evidentiary objections and to determine whether an evidentiary hearing is necessary. Therefore, the Court **REFERS** the entirety of Defendants' Motion to the Monitor. Pursuant to Paragraph A.2 of the Appointment Order, the Monitor shall incorporate into her Report and Recommendation her proposed rulings on Defendants' Motion to Exclude. Further, the Monitor shall rule on Defendants' Request for an Evidentiary Hearing in the first instance. *See Fed. R. Civ. P. 53(c)(1)* ("Unless the appointing order directs otherwise, a master may: . . . regulate all proceedings; . . . take all appropriate measures to perform the assigned duties fairly and efficiently; and . . . if conducting an evidentiary hearing, exercise the appointing court's power to compel, take, and record evidence.").

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Unless the Special Master decides otherwise or the parties stipulate to a different schedule, Plaintiffs' Opposition is still due on **August 9, 2019**, and Defendants' Reply shall be filed no later than **August 16, 2019**. The Court VACATES the August 30, 2019 hearing.

IT IS SO ORDERED.